IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.13815 of 2000

Between:

Fishermen Co-operative Society Rep by its President B.Sudershan,

S/o. Sayanna, Manchirevulu Village, Rajendranagar Mandal,
Ranga Reddy District.

..... PETITIONER

AND

1 The District Collector, Ranga Reddy District, Hyderabad.
2 The Gram Panchayat Rep by its Sarpanch, Manchirevula Village,

Rajendranagar Mandal, Ranga Reddy District.
3 The Inspector General Of Police, A.P.Grey Hounds, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction particularly one in the nature of Writ of Mandamus declaring the action of the first and 3rd respondent in not to issue a writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the first and third respondents in not allowing the members of the petitioner society from exercising their fishing rights in Elthin Cheruvu Situated at Manchirevula Village, as totally illegal, without jurisdiction and violative of article 21 of the constitution of India, and Consequently direct the respondents not to interfere with the exercise of fishing rights of the members of the petitioner society in terms of GO Ms.No.343 dt.10.4.78 or G.O.Ms.No.776 and be pleased to pass such other and further order or orders as may be deemed fit.

Counsel for the Petitioner: MR.S.LAKSHMA REDDY

Counsel for the Respondents: G.P. FOR HOME

The Court made the following:

ORDER:

Fishermen Cooperative Society, Manchirevula village in Rajendranagar Mandal of Ranga Reddy District filed the instant writ petition seeking a declaration that the action of the first and third respondents in not allowing the petitioners to exercise their fishing rights in Elthin cheruvu of the said village is illegal and without jurisdiction. The petitioner also seeks a consequential direction to the respondents not to interfere with the exercise of fishing rights of its members.

The fact of the matter is not in dispute. The petitioner is a cooperative society having about hundred families as member. For the year 1999-2000, they were granted lease of fishing rights on preferential basis in accordance with the orders of the Government in G.O.Ms.No.343 dated 10.4.1978. Thereafter, the lease was not extended though the petitioner approached the Gram Panchayat for renewal/extension of the lease. It is the further case of the petitioner that when the petitioners tried to exercise their fishing rights, the third respondent and his subordinates prevented the members of the petitioner society from entering into the fish tank on the ground that the tank was acquired by the third respondent by issuing a notification under Land Acquisition Act, 1894 (hereafter called 'the Act'). Therefore, the present writ petition is filed.

The writ petition was admitted by this Court on 31.7.2000. The petitioner filed W.P.M.P.No.17600 of 2000 praying for interim direction to the third respondent not to interfere with the members of the petitioner society from exercising their fishing rights in Elthin cheruvu. This Court rejected the W.P.M.P. observing as under:

> In this application the petitioners seek a direction to the respondent not to interfere with the members of the petitioners society in exercising their fishing rights in Elthin cheruvu, Manchirevula village under the second respondent Gram panchayat. It is admitted in paragraph three of the affidavit filed in support of the writ petition that the fishing rights of the petitioners society pursuant to a lease with the second respondent for the year 1999-2000 has expired on 30.6.2000. So demonstratably the petitioners society do not have any right to exercise the fishing rights quo any existing lease. In the circumstance, there are no merits in this application and is accordingly rejected.

Learned Counsel for the petitioner, Sri S.Lakshma Reddy, contends that though the lease of fishing rights granted to the petitioner society expired on 30.6.2000, the

petitioner has right to exercise the fishing rights pending consideration of their application for renewal of lease. He also placed reliance on Clause 3(a)(i) of G.O.Ms.No.343 in support of the contention that the Gram Panchayat shall have to lease out the rights of fishing in the tanks vested in the Gram Panchayats without public auction to the fishermen cooperative society of the local area.

A reading of G.O.Ms.No.343 dated 10.4.1978 would no doubt support the contention that fishermen cooperative society got a right to seek lease of fishing rights in the tanks vested in gram panchayats without public auction. In case, the fishing tanks are not vested in the gram panchayat, the fishermen cooperative society cannot claim such a right. Even according to the petition averments, the land or water spread in the area of Elthin cheruvu was acquired by police under the Act and in which event the right of Gram panchayat ceases. In that view of the matter, the action of the third respondent cannot be termed as illegal. The petitioner has no legal right that can be enforced in this writ petition nor there is any duty on the respondents 1 and 3 to allow the fishermen cooperative society to acquire the fishing rights in respect of Elthin cheruvu, which was acquired for another public purpose.

The writ petition is misconceived and is, accordingly, dismissed. No costs.

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06.07.2005 **(V.V.S.RAO, J)**

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To

1 The District Collector, Ranga Reddy District, Hyderabad.
2 The Gram Panchayat Rep by its Sarpanch, Manchirevula Village,

Rajendranagar Mandal, Ranga Reddy District.

3 The Inspector General Of Police, A.P.Grey Hounds, Hyderabad.

4 Two CCs to the Government Pleader for Home,

High Court Buildings, Hyderabad. (OUT)

5 Two C.D.Copies.